

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**THE TRAVELERS INDEMNITY
COMPANY, as subrogee of Wiley
Sanders Truck Lines,**

Plaintiff,

CASE NO. 2:06cv00924-WKW

V.

**CST INDUSTRIES, INC., d/b/a
COLUMBIAN TECTANK™, et al.,**

Defendants.

**JOINT MOTION OF THE PARTIES
TO AMEND UNIFORM SCHEDULING ORDER**

Come now the parties, by and through their undersigned counsel of record, and hereby move this Honorable Court to amend its Uniform Scheduling Order entered on November 15, 2006, as previously amended by this Court's Order of December 12, 2006, to reflect new discovery deadlines more closely in line with this Court's original Uniform Scheduling Order insofar as completion of discovery in Section 7 and reports from experts as reflected in Section 8. Specifically, for the following reasons, the parties would jointly request modifications of such deadlines as follows:

1. The parties would request Section 7 of the Uniform Scheduling Order, pertaining to discovery completion dates, be amended to provide for discovery completion on or before November 1, 2007, rather than the modified date suggested by the parties of September 1, 2007. The date originally provided by the Court in its Uniform Scheduling Order was December 21, 2007. The reason for this request is the fact that scheduling issues have arisen with regard to inspection of the subject tanks by retained experts and obtaining discovery from non-parties, which necessitate this

request to push back the discovery completion date to allow additional time for the parties to work around some discovery limitations which are outside the control of counsel. It is not expected this request for additional time within which to complete discovery would otherwise necessitate any other modifications of the Court's Uniform Scheduling Order.

2. The parties would respectfully request Section 8 of the Uniform Scheduling Order, pertaining to providing expert reports as required by Rule 26(a) (2), *Federal Rules of Civil Procedure*, to be moved back from the amended date of March 30, 2007, for the Plaintiff and June 1, 2007, for the Defendants, to allow additional time for retained experts to complete inspection of the subject tanks so as to better provide information in their reports prior to depositions being taken of said experts. This Court's original deadlines for the exchange of such expert discovery was October 5, 2007, for the plaintiff and November 5, 2007, for the defendants. While the parties have disclosed the identity of experts, additional time will be necessary to complete inspections at the premises of KW Plastics before reports are exchanged. The parties would respectfully request the date for providing reports of retained experts or witnesses be amended to allow such exchange to occur by either party on or before September 1, 2007. Coupled with the additional time requested to complete discovery, expert reports and depositions can be accomplished in a timely manner even with the present constraints and limitations presently confronting both counsel and the retained experts.
3. The requested amendments to the Uniform Scheduling Order, as previously amended, requested herein by the parties will not affect trial or pretrial settings

otherwise contained in the Uniform Scheduling Order, but will allow parties additional time to complete discovery given present limitations and restrictions on time faced by the parties' retained experts and counsel.

WHEREFORE, the parties respectfully request this Honorable Court to amend its Uniform Scheduling Order to reflect the discovery cut-off dates requested herein.

s/Linda Hinson Ambrose

Linda Hinson Ambrose - ASB1753B38L

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